UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,539	12/20/2001	James D. Shaffer	TARINFO.015CP1	4718

			EXAMINER
27189	7590	02/15/2006	HARPER, V PAUL

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO, CA 92101

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/029,539	SHAFFER ET AL.
	Examiner	Art Unit	
	V. Paul Harper	2654	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 December 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-6,8-10,21 and 22* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-6,8-10,12 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Prosecution on the merits of this application is reopened on claims 1, 3-6, 8-10,

21 and 22 considered unpatentable for the reasons indicated below:

The prosecution has been reopened based on the information submitted in the

information disclosure statement submitted on 12/19/05.

2.   Applicant is advised that the Notice of Allowance mailed is vacated. If the issue

fee has already been paid, applicant may request a refund or request that the fee be

credited to a deposit account. However, applicant may wait until the application is either

found allowable or held abandoned. If allowed, upon receipt of a new Notice of

Allowance, applicant may request that the previously submitted issue fee be applied. If

abandoned, applicant may request refund or credit to a specified Deposit Account.

Information Disclosure Statement

3.   The Examiner has considered the references listed in the Information Disclosure

Statement dated 12/19/05. A copy of the Information Disclosure Statement is attached

to this office action.

Claim Objections

4.   Claim 3 is objected to because it refers to a cancelled claim

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1, 3-5, 8-10, and 21 are rejected under 35 U.S.C. 102(e) as being

anticipated by Attwater et al. (U.S. Patent 5,940,793), hereinafter referred to as

Attwater.

Regarding **claim 1**, Attwater discloses voice activated services using speech

recognition that include the following (abstract, Fig. 1):

*   capturing an identifier related to a speaker provided over a communication

network, comprising automatically capturing information provided without input from the

speaker (col. 2, lines 52-67; receipt via the telephone of signals indicating origin of the

call; verifying the identify of a speaker),

*   determining a linkage key using the identifier (col. 2, line 48 through col. 3, line 5;

col. 5, lines 49-60; label to link the entry in the store to entries in the database);

*   selecting a subset of records from a plurality of records based on the linkage key

(col. 2, lines 52-67, identifying a set of recognition data; col. 3, lines 3-5; access stored

sets for a region; col. 5, lines 49-67; restrict the active subset of the recognition tree);

- capturing a vocal expression of the speaker (col. 2, lines 58-67; col. 4, lines 14-31; receiving a first or second speech signal);

- obtaining a grammar of potential matching words based upon the subset of records (col. 2, lines 58-67, supplying set to recognizer; col. 4, lines 20-24; compiling a subset of words); and

- determining information related to the vocal expression based on comparing the grammar with the captured vocal expression (col. 2, lines 58-67; col. 3, lines 15-20; col. 4, lines 23-27; e.g., speaker ID, identify patterns, etc.).

Regarding **claim 3**, Attwater teaches everything claimed, as applied above (see claim 2). In addition, Attwater teaches "the identifier related to a speaker comprises spatial information" (col. 2, lines 52-55; origin or destination of call; col. 3, lines 1-5; regional accents; col. 5, lines 60-65, geographical locations).

Regarding **claim 4**, Attwater teaches everything claimed, as applied above (see claim 3). In addition, Attwater teaches "selecting a subset of records based on the captured identifier comprises selecting a subset of records spatially related to the captured identifier" (col. 5, lines 48-67; determining subsets, refer to geographical locations).

Regarding **claim 5**, Attwater teaches everything claimed, as applied above (see claim 4). In addition, Attwater teaches "determining the meaning of the vocal expression comprises verifying an identification of the speaker" (col. 2, lines 50-51).

Regarding **claim 8**, Attwater discloses voice activated services using speech recognition that can be used over a telephone network including the following (abstract, Fig. 1):

- capturing an identifier related to a speaker provided over a communication network (col. 2, lines 52-67; receipt via the telephone of signals indicating origin of the call);

- determining a linkage key using the identifier (col. 2, line 48 through col. 3, line 5; col. 5, lines 49-60; label to link the entry in the store to entries in the database);

- selecting a subset of records from a plurality of records based on the linkage key; capturing a vocal expression of the speaker (col. 2, lines 52-67; col. 3, lines 3-5; access stored sets for a region; col. 5, lines 49-67; restrict access to the recognition tree);

- obtaining a grammar of potential matching words based upon the subset of records (col. 2, lines 58-67; col. 4, lines 20-24; compiling a subset of words);

- determining information related to the vocal expression based on comparing the grammar with the captured vocal expression (col. 2, lines 50; determining identify; col. 3, lines 17-20); and

- determining a second linkage key based on the meaning of the vocal expression (col. 3, lines 16-20, determining a second set; col. 5,lines 49-67; restricting the subset).

Regarding **claim 9**, Attwater teaches everything claimed, as applied above (see

claim 8). In addition, Attwater teaches "the linkage key is a spatial key that defines a

geographic location" (col. 2, lines 52-55; origin of call; col. 3, lines 1-5; regional accents;

col. 5, lines 60-65, geographical locations).

Regarding **claim 10**, Attwater teaches everything claimed, as applied above (see

claim 8). In addition, Attwater teaches "using the linkage key to obtain information

related to the speaker (col. 2, lines 50-67, origin [related to caller] or destination; col. 5,

lines 24-67; database for each subscriber).

Regarding **claim 21**, Attwater discloses voice activated services in a

communication system using speech recognition that include the following (abstract,

Fig. 1):

- receiving a linkage key input parameter value (LKIPV) (col. 2, lines 52-67; receipt

via the telephone of signals indicating origin of the call);

- determining a linkage key using the LKIPV (col. 2, line 48 through col. 3, line 5;

col. 5, lines 49-60; label to link the entry in the store to entries in the database);

- selecting a record from a first subset of records based upon the linkage key,

wherein the record represents multiple items (col. 2, lines 52-67, identifying a set of

recognition data; col. 3, lines 3-5; access stored sets for a region; col. 5, lines 49-67;

restrict access to the recognition tree);

- determining from the selected record that a second subset of records is required

to identity a specific item from the multiple items represented by the selected record

(col. 3, lines 15-21, second set; col. 5, lines 24-67, by restricting the active subset);

- obtaining a grammar of potential matching words based on the second subset of

records (col. 3, lines 15-21, second set; col. 5, lines 24-67; concentrate on the words

most likely to be spoken) ;

- prompting a speaker to provide information to identify the specific item from the

second subset of records (Figs. 2 through 4, note prompts; col. 6, lines 28-55; e.g., item

14, "prompt for road names");

- capturing speech that represents the specific item (Fig. 2, item 17, speech

received); and

- comparing the captured speech with the grammar (Fig. 2, item 18, five roads

recognized with inherent comparison during recognition).

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to
> a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

6.   Claims 6 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Attwater in view of Kanevsky et al. (U.S. Patent 5,897,616), hereinafter referred to as

Kanevsky.

    Regarding **claim 6**, Attwater teaches everything claimed, as applied above (see

claim 1). In addition Attwater teaches the use of his invention over a telephone network

(col. 1, lines 5-9). But Attwater does not specifically teach "the capturing step is

performed by a first server and the determining step is performed by a second server

different from the first server." However, the examiner contends that this concept was

well known in the art as taught by Kanevsky.

    In the same field of endeavor, Kanevsky discloses methods for speaker

verification, identification, and classification employing non-acoustic and/or acoustic

models and databases. In addition, Kanevsky teaches that a user's utterance is sent to

a central server, which transfers it to an automatic speech recognizer (Figs. 2 and 3,

col. 6, lines 4-24).

    Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify Attwater by specifically distributing the

capture and recognition, as taught by Kanevsky, because such a system is more easily

adapted with a higher level of security (Kanevsky, col. 5, lines 1-9).

    Regarding **claim 22**, Attwater teaches everything claimed, as applied above (see

claim 21). In addition, Attwater teaches the use of a subset related to geographical

information (col. 5, lines 49-67). But Attwater does not specifically teach "the first

subset of records comprises street address information and the second subset of

records comprises secondary address information related to a particular street

address." However, the examiner contends that these concepts were well known in the

art as taught by Kanevsky.

In the same field of endeavor, Kanevsky discloses methods for speaker

verification, identification, and classification employing non-acoustic and/or acoustic

models and databases. In addition, Kanevsky teaches that the first spoken utterance

may contain indicia of the speaker possibly including an address [first subset] (col. 3,

lines 22-25, lines 51-60) and that the speaker will be queried with and additional

question based on the accessed database attributable to the speaker or speaker

candidates [second subset] (col. 3, lines 25-29; col. 4, lines 5-25; i.e., questions related

to speaker indicia, name, customer number, where if the first response was an address

these data would be address related).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify Attwater by specifically including the

features, as taught by Kanevsky, because such an approach supplies secure access to

the network (Kanevsky, col. 3, lines 12-20).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to V. Paul Harper whose telephone number is (571) 272-

7605. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

12/29/05

V. Paul Harper
Patent Examiner
Art Unit 2654